

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 880

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE FAMILY LEAVE ACT; PROVIDING FOR FAMILY LEAVE FOR
EMPLOYEES UNDER CERTAIN CIRCUMSTANCES; REQUIRING EMPLOYERS TO
GRANT FAMILY LEAVE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Family Leave Act".

Section 2. DEFINITIONS.--As used in the Family Leave Act:

A. "child" means a biological, adopted or foster
child, a legal ward or a child of a person standing in loco
parentis who is:

- (1) under the age of eighteen years; or
- (2) eighteen years of age or older and

incapable of self-care because of a mental or physical

1 disability;

2 B. "grandparent" means a parent of a parent of an
3 employee;

4 C. "parent" means a biological parent of an
5 employee or an individual who stood in loco parentis to an
6 employee when the employee was a child;

7 D. "parent-in-law" means a parent of the spouse of
8 an employee;

9 E. "sick leave or other paid time off" means time
10 allowed pursuant to the terms of an appropriate collective
11 bargaining agreement or employer policy, as applicable, to an
12 employee for illness, vacation or personal holiday; and

13 F. "spouse" means a husband or wife.

14 Section 3. RIGHT TO FAMILY LEAVE. --

15 A. If, pursuant to the terms of a collective
16 bargaining agreement or employer policy applicable to an
17 employee, the employee is entitled to sick leave or other paid
18 time off, then an employer shall allow an employee to use the
19 employee's choice of sick leave or other paid time off to care
20 for:

21 (1) a child of the employee with a health
22 condition that requires treatment or supervision; or

23 (2) a spouse, parent, parent-in-law, or
24 grandparent of the employee who has a serious health condition
25 or an emergency condition.

1 B. An employee may not take advance leave until it
2 has been earned.

3 C. An employee taking leave under the circumstances
4 described in this section shall comply with the terms of the
5 collective bargaining agreement or employer policy applicable
6 to the leave, except for terms relating to the choice of leave.

7 D. Use of leave other than accrued sick leave or
8 other paid time off to care for a child, spouse, parent,
9 parent-in-law or grandparent under the circumstances described
10 in this section shall be governed by the terms of the
11 appropriate collective bargaining agreement or employer policy
12 as applicable.

13 Section 3. PROHIBITION OF DISCHARGE. --An employer shall
14 not discharge, threaten to discharge, demote, suspend,
15 discipline or otherwise discriminate against an employee
16 because the employee:

17 A. has exercised, or attempted to exercise, a right
18 provided pursuant to the Family Leave Act; or

19 B. has filed a complaint, testified or assisted in a
20 proceeding pursuant to the Family Leave Act.

21 Section 4. EFFECTIVE DATE. --The effective date of the
22 provisions of this act is July 1, 2003.